

SENATE BILL REPORT

SB 5583

As of February 14, 2017

Title: An act relating to rules and policies of the Washington interscholastic activities association and any voluntary nonprofit entity with the authority over interschool athletic activities and other interschool extracurricular activities for students of a school district.

Brief Description: Concerning rules and policies of the Washington interscholastic activities association and any voluntary nonprofit entity with the authority over interschool athletic activities and other interschool extracurricular activities for students of a school district.

Sponsors: Senator Baumgartner.

Brief History:

Committee Activity: Commerce, Labor & Sports: 2/15/17.

Brief Summary of Bill

- Requires that any proposed Washington Interscholastic Activities Association rules, policies, amendments, and repeals (1) be made available to the Legislature and the public by January 1st of the year of the proposed adoption or repeal, and (2) not be in effect until after session.

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Staff: Susan Jones (786-7404)

Background: Under Washington law, each school district board of directors (board) has the authority to control, supervise, and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social, or recreational nature for the school district's students. A board may delegate the authority of any such activity to the Washington Interscholastic Activities Association (WIAA) or any other voluntary nonprofit entity (entity) and compensate the entity for services provided, subject to the following conditions:

- the entity must not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

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- any rules and policies adopted and applied by the entity that governs student participation in any interschool activity must be written;
- the rules and policies must provide for notice of the reasons, and a fair opportunity to contest the reasons, prior to a final determination to reject a student's request to participate in or to continue in an interschool activity;
- the entity is authorized to impose penalties for rules violations upon coaches, school district administrators, school administrators, and students, as appropriate, to punish the offending party or parties;
- no penalty may be imposed on a student or students unless the student or students knowingly violated the rules or unless a student gained a significant competitive advantage or materially disadvantaged another student through a rule violation;
- any penalty that is imposed for rules violations must be proportional to the offense;
- any decision resulting in a penalty shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed through a statutory process; and
- the school districts, WIAA districts, and leagues that participate in the interschool extracurricular activities must not impose more severe penalties for rule violations than can be imposed by the rules of WIAA or the entity.

Prior to 2007, WIAA or the entity was required to submit an annual report to the State Board of Education (SBE) of student appeal determinations, assets, and financial receipts and disbursements at such time and in such detail as SBE establishes by rule. In addition to requiring that rules be in writing, the rules were subject to the annual review and approval of the SBE, and all amendments and repeals of such rules and policies were also subject to the review and approval of the SBE.

Summary of Bill: Any proposed rules, policies, and amendments to be applied by the WIAA or other such voluntary nonprofit entity and any proposed repeal of any rules and policies must be proposed and made available to the Legislature and the public by January 1st of the year of the proposed adoption or repeal. The rules, policies, and amendments may not be adopted or repealed until after the end of the regular legislative session of that year.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The issue here is to investigate how we can bring more oversight and accountability to something that is very important to many people's lives, sports at the high school level. I believe strongly that the citizens and the voters should have someone who can pick up the phone and complain to if they feel some things are not going correctly in issues that can impact their lives. I think the WIAA is doing a pretty good job but we have had issues when it comes to whether people can transfer into a school, whether tournaments move from one municipality to another, and travelling far for games. People get angry and ask what the Legislature is doing about it. Right now, we don't have

much oversight. The idea is that we would treat what WIAA is doing like what we do with some of the tribal compacts where there is another body that is making rules but we build into it a valve to bring it to the Legislature if the Legislature needs to get involved. The issues would be reported to the Legislature and it would have an opportunity to opine so that there would be greater accountability between the public and the decisions being made.

CON: There is a WIAA school decision making model. The association is about 410 public and private member high schools. Every spring, school boards make decisions on whether to join the association. The WIAA expects input from the community to the school on the decision. There are nine WIAA districts, each with a board. There is an executive board. Member schools decide which league they want to be a member of. The districts have primary responsibility for how those schools get to state tournaments and their league regulations. When they get to state, the state office of WIAA is involved on state events. There are three layers: league, district, and state. I believe the schools want local control and they believe they have that input through their local association. If someone had a problem, they would normally go to the school's athletic director and work up the chain. When they don't want to do that, they go directly to WIAA. WIAA tries to protect the person's name and tries to find out what is going on and assist them. WIAA is a dynamic and organic organization. Its success and productive efficiencies are tied to its ability to respond in a timely way to the changing needs of member schools and the environment of sports and activities. The bill would inhibit the WIAA's responsive ability to implement needed changes in its policies and rules of governance in a reasonable timeframe. Implementation tied to the end of a legislative session simple does not line up with the governance structure and how it uses its representative decision making to enact changes. The 48 districts meet routinely to assess the current situations and adjust league procedures. The leagues need the ability to implement changes with immediacy which is sometimes required. The districts encourage local involvement of stakeholders. The main concern is the wait time for implementation.

Persons Testifying: PRO: Senator Michael Baumgartner, Prime Sponsor.

CON: Mike Colbrese, WIAA; Herbert Rotchford, Washington Interscholastic Activities Association.

Persons Signed In To Testify But Not Testifying: No one.